

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 20. MASSAGE THERAPY

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensure of Massage Therapists

175:20-5-7. Disqualifying criminal history and opportunity for initial determination

[AMENDED]

Subchapter 11. Grounds for Discipline

175:20-11-1. Grounds for discipline [AMENDED]

Subchapter 13. Complaints and Hearings

175:20-15-1. Massage Therapy Practice Act license and penalty fees [AMENDED]

SUMMARY:

The proposed rule changes, if approved, will transform emergency rules into permanent rules, regarding individuals who have pleaded guilty, nolo contendere, or have been convicted of a crime, or who have a criminal charge currently pending that is substantially related to the practice of occupations regulated by the Massage Therapy Practice Act and poses a reasonable threat to public safety, health or welfare. *See* OAC 175:20-5-7. The changes are needed to make the rule language consistent with statutory changes to 59 O.S., § 4000.1, that became effective on November 1, 2022. The proposed rule changes do add a \$95 fee for applicants to obtain an initial determination; however, the fee is specifically authorized by law (59 O.S., § 4000.1(J)), and the Board will waive the fee once for low-income individuals.

The proposed rule changes also: 1) align grounds for taking disciplinary action against a licensee with 59 O.S., § 4000.1 (OAC 175:20-11-1); and 2) make licensure fees consistent with statute and remove outdated information from before 2017 (OAC 175:20-15-1).

AUTHORITY:

Oklahoma State Board of Cosmetology and Barbering; 59 O.S., §§ 4200.4 and 4200.11

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 5, 2023, at the following address: 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107, or John.Funderburk@cosmo.ok.gov

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on March 9, 2023, at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information by 5:00 p.m. on March 5, 2023, at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street Suite 84, Oklahoma City, OK 73107, Attn: John Funderburk, or by email to John.Funderburk@cosmo.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.cosmo.ok.gov and copies may be obtained from the Oklahoma State Board of Cosmetology and Barbering, located at 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may also be obtained by written request mailed to the attention of John Funderburk, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107, or emailed to John.Funderburk@cosmo.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Cosmetology and Barbering at the above address beginning February 1, 2023.

CONTACT PERSON:

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